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UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re:)
SEARS HOLDINGS CORPORATION, *et al.*,) Chapter 11
Debtors.) Case No. 18-23538
) (RDD)
) (Jointly Administered)
)
)

AFFIDAVIT OF ADAM HENKELS

Adam Henkels, being duly sworn under oath, hereby avers and states as follows:

1. I have personal knowledge of the facts contained in this affidavit and could competently testify thereto if called as a witness. I am above the age of 18. I am the husband of Deborah Maddox (“Deborah”), and son-in-law of Plaintiff Diana Arney.

2. On or around November 28, 2008 (“Black Friday 2008”), I traveled with my wife Deborah to the Sears department store previously located at 4730 Irving Park Road, Chicago, IL 60641 (referred to hereafter as “the Sears at Six Corners”). We arrived at the Sears at Six Corners near closing time as we had been running errands all day.

3. I traveled to the Sears at Six Corners on or around Black Friday 2008 intending to browse and potentially purchase a residential clothes dryer available for sale by Sears.

4. On or around Black Friday 2008, Deborah and I were shopping for a new residential clothes dryer to be installed and used in the home then owned by my mother-in-law, Diana Arney at 325 W. Joe Orr Road, in Chicago Heights, Illinois.

5. In November 2008, my sister-in-law Angela Arney and Diana Arney's mother, Lola Talamonti, also lived at 325 W. Joe Orr Road.

6. While at the Sears at Six Corners on or around Black Friday 2008, Deborah and I browsed the residential clothes dryers on display in the home appliance section of the Sears at Six Corners. The dryer which appealed to us most was a Kenmore brand clothes dryer with model no. 41798042700 (hereafter called "the Kenmore Dryer"). We met with an employee of Sears in the appliance section. We tried to call my sister-in-law Angela Arney and her grandmother, Lola Talamonti, from the sales display floor at the Sears at Six Corners to apprise them of the type of dryer we had found. We were unable to reach them while we were at the Sears at Six Corners. We therefore asked the Sears sales representative whether he could put a hold on the dryer of our choice.

7. Thereafter, Deborah and I left the Sears at Six Corners. Having seen the Kenmore Dryer, from our call we then called the landline of my mother-in-law's home (number (xxx) xxx-6468) to inform my sister-in-law Angela Arney, and her grandmother Lola Talamonti of the Kenmore Dryer we preferred. We told Angela and her grandmother Lola Talamonti that the Kenmore Dryer was part of a Black Friday sales promotion. Lola Talamonti provided us with her credit card information. Thereafter, we called Sears from our car and ordered the Kenmore Dryer over the phone. We paid for the Kenmore Dryer with Lola Talamonti's credit card. We did direct the Sears sales phone representative to have the Kenmore Dryer delivered to my mother-in-law's home in Chicago Heights.

8. Based on the foregoing, my mother-in-law Diana Arney did not choose the Kenmore Dryer and she did not pay for the Kenmore Dryer which was subsequently installed in her home.

FURTHER AFFIANT SAYETH NAUGHT



Adam Henkels

Subscribed and sworn to me before this

5th day of January, 2022

Christine M. Kinnek
Notary Public



Prepared by:

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VERIFICATION

Pursuant to 28 U.S.C. § 1746 and under penalties of perjury, I, Adam Henkels, certify that I have personal knowledge of the facts and the statements as set forth in this Affidavit are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that I verily believe the same to be true.

Prepared by:
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Subscribed and sworn to me before this
5th day of January, 2022

Notary Public

